

12. (Unamended) The congestion manager of claim 11, wherein said timer expires after a period of time within which said congestion should have been alleviated.

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5 IN THE ABSTRACT:

*AS*

A method and apparatus are disclosed for congestion management in a multi-branch Internet Protocol-based private branch exchange switch. The multi-branch Internet Protocol-based private branch exchange switch is interconnected through (i) a packet network referred to as the primary network, such as a wide area network, and (ii) an alternate network, such as the public switched telephone network. Packet phone adapters associated with each packet telephone unit monitor packet telephone calls and report delay information to communication servers. The communication server can reroute the packet telephony calls through the secondary network upon detection of congestion in the underlying primary network, thereby preserving voice quality. The packet phone adapter will discard records collected from calls whose duration is below a minimum value, to ensure reliable congestion information. Each communication server records reported voice quality of service information in a congestion control database. An overload control process processes each call set up request and determines if the requested path is congested. If a requested path is congested, then the overload control process may forward the call using the secondary network.

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REMARKS

The present application was filed on January 20, 2000 with claims 1 through 12. Claims 1 through 12 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1, 4, 7, and 10 under 35 U.S.C. § 25 102(e) as being anticipated by Cruickshank et al. (United States Patent Number 6,389,005) and the Examiner also rejected claims 2, 5, 8, and 11 under 35 U.S.C. §103(a) as being unpatentable over Cruickshank et al., and further in view of Adelman et al. (United States Patent Number 6,006,259). The Examiner also indicated that claims 3, 6, 9, and 12 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.